

MENTAL HEALTH TREATMENT

A Supervision Tool

Mental health treatment is a tool that helps U.S. probation and pretrial services officers supervise, or monitor, defendants and offenders in the community. Treatment, which includes such services as psychological/psychiatric evaluations; individual, family, or group counseling; and medication, is provided to persons who suffer from mental health problems. These persons either are under pretrial supervision while awaiting a court appearance; on probation; or on parole or supervised release after serving time in prison. Treatment is ordered either by the U.S. district court or the U.S. Parole Commission as a condition of releasing them to the community.

Mental health treatment provides officers with the ability and means to identify, assess, and provide care for defendants and offenders with mental disorders. Treatment helps officers enforce the conditions imposed by the court or Parole Commission, control the danger defendants and offenders with mental health problems may pose to society, and promote law-abiding behavior. For defendants under pretrial supervision, treatment helps officers reasonably assure that these persons appear in court and that society is protected from potential harm.

Mental health treatment helps defendants and offenders in many ways. It helps them address issues that may have led to their problems with the law. More importantly, it puts in motion strategies aimed at stabilizing them so that they do not present a danger to themselves or others. Thus, treatment serves to maximize public safety and the individual's potential for living and functioning effectively in the community.

What is a Mental Health Problem?

According to the *Guide to Judiciary Policies and Procedures*, a defendant or offender is considered to be suffering from some form of

mental disease or defect when the individual's behavior or feelings deviate so substantially from the norm as to indicate disorganized thinking, perception, mood, orientation, and memory. Mental health disease or defect may range from the mildly maladaptive to the profoundly psychotic and may result in:

- unrealistic thinking
- marked inability to control impulses
- grossly impaired judgment
- aberrant behavior
- an inability to care for oneself or meet the demands of daily life
- a loss of contact with reality
- violence to oneself or others.

What these individuals may suffer from ranges from anxiety and depression to more chronic disorders such as bipolar disorder, schizophrenia, or pedophilia.

Identifying Mental Health Problems

Officers identify persons with mental health problems in various ways. Individuals may come to the probation or pretrial services office already diagnosed with a mental health disorder. Or, officers may identify these persons through information in case files, interviews with the individuals and their families and friends, or consultation with mental health professionals.

An important consideration in identifying persons with mental health problems is whether they also are substance abusers. These types of cases include individuals suffering from co-occurring disorders and require officers to develop supervision plans that address both problems.

A Supervision Challenge

Supervising persons with mental health problems can be very difficult. Compared to the average defendant or offender, the individual with mental health challenges routinely needs more intensive monitoring, often requires specialized or individualized treatment, and potentially may be more dangerous if he or she has a prior history of violence, suffers from a psychotic or substance abuse disorder, or fails to take prescribed medications.

In supervising these individuals, the officer refers the person to a mental health program that provides appropriate services. The officer makes sure the person understands—to the extent possible—the treatment plan and the requirements of supervision. Officers must remain especially patient and flexible with persons with mental problems in that their ability to respond to supervision requirements may be hampered by cognitive impairments, delusions, or side effects from medication. Officers also must remain especially observant and respond immediately to any signs of danger, such as suicide threats, or any indications that the person is not taking medication or is withdrawing from everyday life.

Because of the complexity of these cases, the U.S. probation and pretrial services system has designated some of its officers as mental health specialists. More often than not, these specialists have a background in mental health and, in some cases, are licensed/certified clinical social workers, psychologists, or professional counselors. The mental health specialists are skilled in identifying individuals with mental health challenges, brokering community treatment services, and working with treatment providers.

Providing Treatment

Licensed/certified psychiatrists, psychologists, or masters-level counselors, clinicians, and other professionals in the community provide treatment under an agreement with the United States courts. These treatment providers meet the standards of practice established by their state's professional regulatory board.

The Director of the Administrative Office of the U.S. Courts, under 18 U.S.C. § 3672, has the authority to “contract with any appropriate public or private agency or person for the detection of and care in the community of . . . a person

suffering from a psychiatric disorder” Blanket purchase agreements or purchase orders are awarded through a competitive process. The officer serves as coordinator of treatment services, matching the defendant or offender with appropriate treatment providers, monitoring the person's progress in and compliance with treatment, controlling procurement funds, and overseeing the various treatment providers.

No single treatment approach will help every person who requires mental health treatment. To be able to address defendants' and offenders' individual needs, officers must solicit for various services, including:

- Psychological/psychiatric evaluation and testing
- Individual, group, and family counseling
- Sex offense-specific individual or group therapy for sex offenders
- Sex offense-specific evaluations for sex offenders
- Polygraph and other physiological testing for sex offenders
- Substance abuse counseling
- Medication
- Transportation to and from treatment facilities
- Emergency financial assistance for food or clothing
- Clinical consultation between officers and mental health professionals to discuss supervision issues

Success or Failure?

Often, officers try various treatment approaches. They use a graduated sanctions approach to give individuals an opportunity to comply with the conditions of release the court has set. These efforts are not always successful, however, particularly if the person is severely mentally ill, fails to take medications, and poses a potential threat to the public. In these cases, officers may initiate court proceedings to determine the most suitable plan for the individual.